

SENATE BILL REPORT

HB 1421

As Reported By Senate Committee On:
Government Operations & Elections, March 22, 2007

Title: An act relating to modifying the provisions of the address confidentiality program.

Brief Description: Modifying address confidentiality program provisions.

Sponsors: Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller; by request of Secretary of State.

Brief History: Passed House: 2/12/07, 96-0.

Committee Activity: Government Operations & Elections: 3/15/07, 3/22/07 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, Pridemore and Swecker.

Staff: Sharon Swanson (786-7447)

Background: The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault, or stalking to have an alternative address designated as his or her substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of a victim. Applicants are certified as program participants for four years, subject to renewal, withdrawal, or invalidation.

Other than the alternate address designated by the Secretary of State (Secretary), information in the participant's file is not subject to disclosure except in the following circumstances: the request is made by a law enforcement agency or directed by court order, or for purposes of verifying that a person is a participant in the ACP. The Secretary may cancel a person's participation in the ACP if the participant's residential address changes and he or she fails to give the Secretary at least seven days notice of the address change, or if mail forwarded by the Secretary to the participant is returned as non-deliverable. The Secretary must cancel a person's participation in the ACP if the participant changes his or her name or if the participant provides false information in the application.

Summary of Bill: A definition for "stalking" is added to the ACP statute. Stalking is defined to have the same meaning as used in criminal statutes on harassment, and also includes the

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threat of being stalked, regardless of whether the acts of stalking or threats of stalking have been reported to law enforcement officers.

A person who applies to participate in the ACP must include an address where the applicant can be contacted by the Secretary.

The Secretary may cancel a person's participation in the ACP if there is a change in the person's residential address but he or she fails to notify the Secretary in writing within at least two days of the address change. A participant in the ACP loses certification as a participant if he or she obtains a legal change of identity.

Except for the address designated by the Secretary, a participant's records may only be released by the Secretary and pursuant to court order.

Obsolete references to "service voter" are replaced with current "absentee voter" designations.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Through the Address Confidentiality Program, vulnerable individuals are able to receive increased security. Adding stalking increases the number of people who are eligible for the program. Replacing obsolete references to service voter with absentee voter increases the statute's relevance. Applicants are no longer required to give the one week notice before an address change. The reason for the change to Section 5 of the bill, requiring a court order before an applicants information can be released, even to a law enforcement officer, addresses the concerns that an abuser may be in law enforcement or have connections to law enforcement. The goal is complete safety for program participants, regardless of who their abuser may be. The situation that occurred in Gig Harbor is an example.

OTHER: The requirement that law enforcement get a court order could cause problems. The bill does not address what court would have the authority or how the procedure would work. Precious time may be spent trying to find a person who could be in danger. The process of getting a participant's information does not happen very often and there is no evidence of abuse of this authority.

Persons Testifying: PRO: Missy Deinlein, Secretary of State Office; Dave Johnson, Washington Coalition of Crime Victim Advocates.

OTHER: Robert Berg, Washington Association of Sheriffs and Police Chiefs.